

CHAPTER 8 OFFENSES AND NUISANCES

**ARTICLE 8.11 ENVIRONMENTAL STANDARDS**

**Sec. 8.11.001**

(a) Applicability. The use of land, buildings, and other structures in the City and within 5,000 feet outside the corporate limits of the City shall be established and conducted to comply with the environmental performance standards of this Article.

(b) Compliance Determination.

(1) Measurement. A determination of the existence of any objectionable element shall be made at the location of the use creating the objectionable element, unless the performance standard measurement criteria specifies another location.

(2) Cost of Determination.

(A) Cost Paid by Violator. Upon a finding of a violation of this Article by a court of competent jurisdiction, the cost for any technical study conducted by or on behalf of the City to determine the existence of an alleged violation shall be borne by those parties responsible for the violation.

(B) Cost Paid by City. If it is determined that no violation exists, the costs of the determination shall be borne by the City.

(c) Penalty. Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in accordance with the general penalty provision found in section 1.01.009 of this code. Each day of violation shall constitute a separate offense.

(d) Nuisance Declared. Any violation of this Article shall constitute a nuisance and shall be abated.

(e) Proof of Permits. The City reserves the right to make inspections at any time to ensure compliance with all of the standards found in this Article, and may request proof of the issuance of permits from any other applicable governmental agency within the corporate and extraterritorial limits of the City.

**Sec. 8.11.002 Exemptions**

The following activities and uses are exempt from the performance standards of this Article:

- (a) Temporary construction;
- (b) Excavation and grading associated with development for which applicable permits have been issued;
- (c) The construction of public streets or utilities; and
- (d) Agricultural activities, such as plowing and tilling.

#### **Sec. 8.11.003 Odorous matter**

- (a) Any use in the City shall comply with the performance standards herein specified for the emission of odorous matter.
- (b) Emission of any odors discernible even without the aid of instruments shall be prohibited beyond the boundaries of any development within this district.
- (c) Determination of odor threshold. The odor threshold shall not be exceeded at the boundary line of the districts referred to in subsection (a). In any case where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by American Society for Testing Materials ASTM D 1457-57 entitled "Standard Method for Measuring Odors in Atmosphere" shall be used.
- (d) Emission of odorous matter regulated. No use shall be operated in any zoning district of the City of Cedar Park in such a manner that the emission of odorous matter occurs in such quantity or volume as to be the source of discomfort or hazard beyond the bounding property lines of such use.

#### **Sec. 8.11.004 Toxic and noxious matter**

- (a) No use in the City shall emit a concentration across the bounding property line of such operation or use of toxic or noxious matter which will exceed ten (10) percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are established and/or amended by the Texas State Department of Health, or as they may be amended in "Threshold Limit Values, Occupational Health Regulation No. 3," or by the minimum standards of all applicable federal, state, and local laws, regulations, standards, and guidelines.
- (b) The storage, use and transportation of hazardous chemicals, poisonous gases, acids or radioactive material in any district shall be subject to approval of the fire marshal of the City of Cedar Park and in accordance with all applicable federal, state, and local laws, regulations, standards, and guidelines.

#### **Sec. 8.11.005 Smoke, Particulate Matter and Other Air Contaminants**

(a) All uses within the City shall operate in compliance with the most current regulations of the Texas Commission on Environmental Quality (TCEQ) pertaining to the control of air pollution and any other applicable regulatory governmental agency.

(b) Dust and air contaminants from open storage. Open storage and open processing operations including on-site transportation movements which are the source of windborne dust or other particulate matter, or which involve dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sandblasting shall be so conducted that dust and other particulate air contaminants so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1,000 cubic feet of air. All other visible emissions of air contaminants shall conform to the most current regulations of the TCEQ and any other applicable regulatory governmental agency.

(c) All operations which involve the emission of particulate matter or other air contaminants shall register with the fire marshal before obtaining a certificate of occupancy.

(d) These regulations apply, as herein provided, to:

(1) Visible emissions from all operations

(2) Particulate matter from all operations

(3) Hydrocarbons and carbonyl, including but not limited to that from incineration or salvage operations

(4) Sulfur dioxide from all operations. No operation shall cause, create or allow any emission of sulfur compounds calculated as sulfur dioxide from any emission point in excess of 2,000 ppm (vol.)

(5) Fumes and gases from all operations

(6) Air contaminants which can cause injury, detriment, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such person or to the public, or which cause or have a natural tendency to cause injury or damage to business or property.

#### **Sec. 8.11.006 Fire and explosive or hazardous matter**

All uses and operation involving the use, storage or handling of explosive or flammable and hazardous matter shall be in compliance with the fire protection code of the Cedar Park Code of Ordinances as it exists or as it may hereafter be amended and shall be subject to approval by the fire marshal and nothing herein specified shall mitigate, interfere with or alter any provision of the fire protection code as it may apply to the use, storage or handling of explosives or flammable and/or hazardous material.

#### **Sec. 8.11.007 Allowable displacement of earthborn vibrations**

No operation or use in the City shall at any time create earthborn vibration which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in Column I of the following table. Nor may it cause, at any single-family, duplex or multifamily residence district boundary, continuous earthborn vibrations higher than the limits set forth in Column II.

Discrete pulses that do not exceed one hundred (100) impulses per minute may not produce higher than twice the displacement specified in the table. As used in this section, the term “displacement” means the maximum amount of motion in any direction as determined by a three component simultaneous measuring system. “Three-component measuring system” means instrumentation that can measure earthborn vibrations in a horizontal, as well as, in a vertical plane.

Vibration Regulations: Any operation or activity shall not cause earthborn vibrations in excess of the values set forth in the table below. Column I shall apply at or beyond the lot line; Column II shall apply at or beyond a residence district boundary line. Vibration shall be expressed as displacement in inches and shall be measured with a three-component measuring system.

<u>Frequency (Cycles per second)</u>	<u>I. Displacement (Inches)</u>	<u>II. Displacement (Inches)</u>
-	-	-
<u>0 to 10</u>	<u>.0008</u>	<u>.0004</u>
<u>10 to 20</u>	<u>.0005</u>	<u>.0002</u>
<u>20 to 30</u>	<u>.0002</u>	<u>.0001</u>
<u>30 to 40</u>	<u>.0002</u>	<u>.0001</u>
<u>40 and over</u>	<u>.0001</u>	<u>.0001</u>

Impact vibrations, that is, discrete pulses that do not exceed one hundred (100) pulses per minute, shall not cause in excess of twice the displacement values above.

As used in this section, the term “displacement” means the maximum amount of motion in any direction as determined by a three component simultaneous measuring system. “Three-component measuring system” means instrumentation that can measure earthborn vibrations in a horizontal, as well as, vertical plane.

#### **Sec. 08.11.008 Electromagnetic interference**

No use or operation shall be conducted which adversely affects the performance of electromagnetic devices or receivers of electronic signals, including televisions and radios, outside of the boundaries of the property on which the operation occurs.

#### **Sec. 08.11.009 Heat and glare**

No light or general industrial use may cause heat at the lot line so intense as to be a hazard.